

ParaReg Headnotes

800-899 Adult Programs

Adult Programs

- 800-1 Regulations pertaining to income and exclusions in the SSI/SSP Program are set forth in 20 CFR 416 (46-120, Handbook 46-110.1)
- 810-1 Special circumstances defined (46-425.29)
- 810-2 Payment not made without prior authorization except if emergency exists (46-425.22, .44, .5)
- 810-3 Special circumstance payments for moving expenses (46-425.65)
- 810-5 Housing repairs allowed for recipient owned housing and appliances (46-425.63, .64; ACL 90-13)
- 810-6 Elimination of special circumstance payments for furniture, clothing, housing needs, effective 8/31/93, reinstated 8/21/98 (W&IC 12550; ACL 98-74)
- 810-7 IHSS and CAPI recipients are potentially eligible for special circumstances (ACL 98-95; W&IC 12300, 12550, 12601)
- 810-8 Funding for the Special Circumstances Program is limited (until 7/1/99) to the appropriation in the 1998/1999 Budget Act (ACL 98-95)
- 810-9 Duty to assist applicants in applying for SCP (W&IC 10500; ACIN I-81-01; *Thornton v. Carlson*)
- 810-10 Changes to SCP, and increases in maximum allowances, for IHSS, CAPI, and SSI/SSP individuals (ACL 01-60; W&IC 12502, 12550, 12552)
- 810-11 SCP becomes non-operational 7/1/02 because no funds authorized (W&IC 12601; ACIN I-73-02)
- 815-1 Amount allowed for assistance dog special circumstances payment (46-430.4, revised from 46-430.1(s))
- 815-2 Eligibility for assistance dog payments limited to recipients of SSI/SSP, IHSS, or SSDI (46-430.1(e))
- 815-3 Eligibility for assistance dog payment begins on first of month of application (46-430.4)
- 815-3A Recipients must return redetermination forms at least once every 12 months (46-430.51, .52)
- 820-1 Deduction of interim assistance from retroactive SSI/SSP generally (46-337.24)
- 820-2 IAR procedure (20 CFR 416.1902, 42 USC 1383(g)(3))
- 820-3 County must remit initial SSI/SSP payment within ten working days after deducting interim assistance or recipient is entitled to entire SSI/SSP payment (46-337.44)
- 820-4 County must send NOA when remitting SSI/SSP payment (46-337.442)
- 820-5 Period for which county may reimburse itself after SSI/SSP is granted (Handbook 46-337.52)
- 820-6 State hearings, when appropriate (46-337.6)
- 825-1 CAPI program for discontinued SSI/SSP immigrants begins 10/1/98, and payments for new applicants by 12/1/98 (ACL 98-82)
- S825-2 CDSS Director may initially implement CAPI through ACLs or similar letter, but must adopt regulations by 7/1/99 (W&IC 18943, 8/21/98)
- 825-3 Classes of non-citizens who entered the U.S. pre-8/22/96 and who may be potentially CAPI eligible (ACL 98-82)
- 825-3A Classes of non-citizens who entered the U.S. on 8/22/96 or later and who may be potentially CAPI eligible (ACL 98-82; 49-020.31)
- 825-3B Age eligibility for CAPI is 65; how to establish age (49-025.1)
- 825-3C Disability and blindness determined under SSI rules for CAPI purposes; DAPD makes eligibility determinations unless person has been determined eligible for SSI, Title II Social Security, or Medi-Cal (49-025.2, .3)

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- 825-3D Potential eligibility for extended CAPI for individuals ineligible for Basic CAPI; 10-year sponsors' deeming rule (W&IC 18938(a)(3); 49-020.32)
- S825-3E Time limited CAPI changed to extended CAPI because of deletions of time restorations, and sponsor's deeming changed from 5 to 10 years, effective 8/1/01 (ACL 01-61)
- 825-3F "Entered the United States" and "entry date" defined for CAPI purposes (49-020.4)
- 825-3G "Entered the United States" and "entry date" defined for CAPI purposes (*Megrabian v. Saenz*)
- 825-3H Definition of Basic CAPI (49-005(b))
- 825-3I Definition of Extended CAPI (49-005(e)(4))
- 825-4 Generally SSI/SSP rules govern the CAPI program, and benefits shall be the same as under the SSI/SSP program, except benefit levels are reduced \$10 monthly for individuals, and \$20 for couples (W&IC 18940, 18941; 49-050.1)
- 825-4A CAPI payment levels for individuals and couples (49-050.1)
- 825-4B Independent living arrangement definition; living arrangement determined as of first of month (49-050.2)
- 825-4C CAPI payment standards for people living independently (ACIN I-77-05)
- 825-4D Suspension of SSP COLA for 2006; delay of pass-through of federal SSI COLA until April 2006 except for NMOHC rate (ACIN I-77-05)
- 825-4E For CAPI/SSI/SSP couples, the SSI/SSP spouse's benefit is prospectively budgeted in the month the COLA occurs and the following month (ACIN I-77-05)
- 825-5 CAPI recipients "may be eligible" for Medi-Cal, FS and IHSS, and counties shall advise applicants and recipients of potential eligibility (ACL 98-82)
- 825-6 CAPI applicants and recipients have same rights as PA individuals (ACL 98-82)
- 825-6A CAPI to be administered under 10-001, 21-101, and departmental instructions (49-013.2)
- 825-6B Counties must administer CAPI under federal rules (POMS) and regulations, and CDSS and SSA policies (49-013.11)
- 825-7 Resource limit is \$2000 for one, and \$3000 for couple, and is determined as of first moment of the month (ACL 98-82; 49-040.1)
- 825-7A Transfer of property continues to be property; receipt of income become property the first of the following month (49-040.82, .83)
- 825-7B Partial listing of excluded resources includes federally excluded benefits, home, household goods and personal effects with equity value under \$2,000, certain automobiles, retroactive Title II, SSI/SSP, and CAPI payments for 6 months (49-040.3)
- 825-7C Resources of a spouse, living in the household, considered available (49-040.4)
- 825-7D Deeming rules from sponsor to CAPI noncitizen (49-040.7)
- 825-8 Prospective budgeting is first two months of eligibility or status change, and then retrospective budgeting is used (ACL 98-82; 49-055.1, .2, .3)
- 825-8A Nonrecurring income cannot be counted more than once (*Jones v. Shalala*; 42 USC 1382(c)(2)(A), 49-055.21)
- 825-8B Income must be lower than payment standard in order to be eligible for CAPI (49-035.1, Handbook 49-035.2)
- 825-8C Earned income defined; exclusions (49-035.3, .4)
- 825-8D Unearned income defined; ISM defined; PMV defined (49-035.5, 49-005(p)(1))
- 825-8E \$20 unearned income deduction (49-035.53(m))
- 825-8F ISM from within and without the household; literal language quoted (49-035.522(b), (c))
- 825-8G PMV of ISM (ACIN I-81-04, I-77-05)

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- 825-8H Sponsor's allocation in alien deeming situations; allowance for ineligible children in deeming situations (ACIN I-81-04; I-77-05)
- 825-8I Income excluded from deeming from parent or spouse (49-035.7)
- 825-8J Sponsor deeming changes for sponsors who have filed the new Affidavit of Support (ACL 02-63)
- 825-8K Definitions of "new" and "old" affidavits of support (49-005(a)(1) and (2))
- 825-9 CAPI requires persons to be ineligible for SSI solely due to immigration status, and to apply for and if necessary appeal for SSI (W&IC 18938(a)(1), 18939; 49-030.1)
- 825-9A County responsibilities in CAPI for SSI/SSP applications and IAR agreements (ACIN I-71-98; 49-015.1, .2, 49-030.1, .2)
- 825-10 CDSS position is to allow IAR when CAPI is granted (ACL 99-11; 20 CFR 416.1910; W&IC 18940, 18943; 49-065.21)
- 825-11 ICT procedures (ACL 99-87)
- 825-12 County duty to have regulations, ACLs, W&IC, other public social service laws, in waiting or reception room in each central or district county office (Handbook 17-017)
- 825-13 CDSS position is that despite statutory language, it can amend and issue rules by ACL; ACL says that counties can, without notice to applicants or recipients, disqualify these persons for (1) certain transfers of services; (2) certain trusts; making false or misleading statements (ACL 00-27)
- 825-13A Limitations on CAPI overpayment collections when the recipient was not at fault (ACL 00-73; 20 CFR 416.550)
- 825-13B Definitions of overpayment, waiver and without fault in CAPI (ACL 00-73)
- 825-13C Time frames to revise prior determinations of eligibility and payment amounts (ACL 00-73)
- 825-13D Recovery of CAPI overpayments, including grant adjustment (ACL 00-73)
- 825-13E Without fault determinations in CAPI (ACL 00-73)
- 825-13F Circumstances when individual will be considered "at fault" for a CAPI overpayment (ACL 00-73)
- 825-13G "Defeat purpose of CAPI" and "against equity and good conscience" (ACL 00-73)
- S825-20 Sequential evaluation for disability evaluation of persons 65 and older (SSR 99-3p)
- S825-21 Duties in regard to contacting, obtaining evidence from, and using CEs, for persons 65 and over who are being evaluated for disability (SSR 99-3p)
- 826-1 Income of sponsor and sponsor's spouse deemed to sponsored non-citizen (49-035.723)
- 826-1A Definitions of "new" and "old" affidavits of support (49-005(a)(1) and (2))
- 826-1B Sponsor deeming rules apply regardless of actual support by sponsor (49-037.1)
- 826-1C Steps used in sponsor and spouse deeming (49-035.71)
- 826-1D CAPI parent to child deeming (ACIN I-68-05, I-77-05; ACWDL 05-35)
- 826-2 Deeming rules when sponsor signed "new" affidavit of support (49-037.2)
- 826-3 Deeming rules when sponsor signed "old" affidavit of support (49-037.3)
- 826-4 Times when indigence exception from sponsor deeming applies (49-037.41)
- 826-4A No indigence exception when non-citizen lives with sponsor or receives free room and board (49-037.42)
- 826-4B When non-citizen is considered unable to obtain food and shelter (49-037.43)
- 830-1 Unearned income for SSI purposes includes Social Security benefits and pensions (20 CFR 416.1121(a))
- 830-2 Unearned income for SSI purposes includes the amount of Medicare premium deducted from Social Security check and garnished income (20 CFR 416.1123(b)(2))
- 830-3 \$20 exclusion from unearned income under SSI (20 CFR 416.1124(c)(12))

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- 830-4 Formula for determining SSI/SSP payment level (W&IC 12200, 12201) [NOTE: Please submit worksheet]
- 830-5 Proceeds from the sale of an excluded home excluded for a three-month period (20 CFR 416.1212(d))
- 832-1 ALJs have no authority to award interest (AFL-CIO v. UIAB; ACIN I-52-96; *Knight v. McMahon*)